

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

**FILED**

**SEP 30 2016**

Clerk, U.S. District Court  
District Of Montana  
Billings

KURT HAEKER,

Plaintiff,

vs.

MIKE LINDER, Yellowstone County  
Sheriff,

Defendant.


CV 16-26-BLG-SPW

ORDER

On August 18, 2016, the Court entered an Order granting Defendant Mike Linder's Motion to Dismiss Plaintiff Kurt Haeker's Complaint for Failure to State a Claim (Doc. 11) under Fed. R. Civ. P. 12(b)(6). (Doc. 16). The Court's Order dismissed Counts 1 and 2 with prejudice. Count 3 was dismissed with leave to amend as to the claim under the Fourteenth Amendment's Equal Protection Clause. The Court further ordered that if Plaintiff Kurt Haeker wished to proceed on his equal protection claim, he was to file an amended complaint by September 7, 2016. If Haeker did not file an amended complaint by that date, judgment would be entered and the case closed. It is now September 30, 2016, and Haeker has not filed an amended complaint.

IT IS HEREBY ORDERED that the Clerk of Court is directed to enter judgment in this matter and close the case.

DATED this 30<sup>th</sup> day of September, 2016.

  
\_\_\_\_\_  
SUSAN P. WATTERS  
United States District Judge